

Senate File 2305

S-5134

1 Amend Senate File 2305 as follows:

2 1. Page 1, after line 18 by inserting:

3 <Sec. \_\_\_\_\_. Section 692A.101, subsection 27, Code  
4 Supplement 2009, is amended to read as follows:

5 27. "*Sex offense*" means an indictable offense for  
6 which a conviction has been entered that ~~has an element~~  
7 ~~involving a sexual act, sexual contact, or sexual~~  
8 ~~conduct, and which~~ is enumerated in section 692A.102,  
9 and means any comparable offense for which a conviction  
10 has been entered under prior law, or any comparable  
11 offense for which a conviction has been entered in  
12 a federal, military, or foreign court, or another  
13 jurisdiction.

14 Sec. \_\_\_\_\_. Section 692A.101, Code Supplement 2009,  
15 is amended by adding the following new subsection:

16 NEW SUBSECTION. 28A. "*Sexually motivated*" means the  
17 same as defined in section 229A.2.>

18 2. Page 1, by striking lines 19 through 31.

19 3. Page 1, before line 32 by inserting:

20 <Sec. \_\_\_\_\_. Section 692A.102, subsection 1,  
21 paragraph a, subparagraphs (6) and (7), Code Supplement  
22 2009, are amended to read as follows:

23 (6) (a) Harassment in violation of section 708.7,  
24 subsection 1, 2, or 3, if a determination is made that  
25 the offense was sexually motivated pursuant to section  
26 692A.126.

27 ~~(7)~~ (b) Stalking in violation of section 708.11,  
28 except a violation of subsection 3, paragraph "b",  
29 subparagraph (3), if a determination is made that the  
30 offense was sexually motivated pursuant to section  
31 692A.126.

32 (c) Any other indictable offense in violation of  
33 chapter 708 if the offense is committed against a minor  
34 and if a determination is made that the offense was  
35 sexually motivated pursuant to section 692A.126.

36 Sec. \_\_\_\_\_. Section 692A.102, subsection 1, paragraph  
37 a, Code Supplement 2009, is amended by adding the  
38 following new subparagraphs:

39 NEW SUBPARAGRAPH. (08) Pimping in violation of  
40 section 725.2 if the offense was committed against  
41 a minor or otherwise involves a minor and if a  
42 determination is made that the offense was sexually  
43 motivated pursuant to section 692A.126.

44 NEW SUBPARAGRAPH. (008) Pandering in violation  
45 of section 725.3, subsection 2, if a determination is  
46 made that the offense was sexually motivated pursuant  
47 to section 692A.126.

48 NEW SUBPARAGRAPH. (0008) Any indictable offense in  
49 violation of chapter 726 if the offense is committed  
50 against a minor or otherwise involves a minor and if

1 a determination is made that the offense was sexually  
2 motivated pursuant to section 692A.126.  
3 Sec. \_\_\_\_\_. Section 692A.102, subsection 1, paragraph  
4 b, Code Supplement 2009, is amended by adding the  
5 following new subparagraph:  
6 NEW SUBPARAGRAPH. (015) Pandering in violation of  
7 section 725.3.>  
8 4. Page 1, line 35, by striking <(5A).> and  
9 inserting <(06)>  
10 5. Page 2, after line 13 by inserting:  
11 <Sec. \_\_\_\_\_. Section 692A.113, subsection 1,  
12 unnumbered paragraph 1, Code Supplement 2009, is  
13 amended to read as follows:  
14 A sex offender who has been convicted of a sex  
15 offense against a minor or a person required to  
16 register as a sex offender in another jurisdiction for  
17 an offense involving a minor shall not do any of the  
18 following:>  
19 6. Page 2, after line 28 by inserting:  
20 <Sec. \_\_\_\_\_. Section 692A.125, Code Supplement 2009,  
21 is amended by adding the following new subsection:  
22 NEW SUBSECTION. 2A. For an offense requiring  
23 registration due to sexual motivation, the registration  
24 requirements of section 692A.126 shall apply to a  
25 person convicted of an offense if the department  
26 makes the determination that the offense was sexually  
27 motivated as provided in section 692A.126, subsection  
28 2.  
29 Sec. \_\_\_\_\_. Section 692A.126, Code Supplement 2009,  
30 is amended to read as follows:  
31 **692A.126 Sexually motivated offense —**  
32 **determination.**  
33 1. If a judge or jury makes a determination, beyond  
34 a reasonable doubt, that any of the following offenses  
35 for which a conviction has been entered on or after  
36 July 1, 2009, are sexually motivated, the person shall  
37 be required to register as provided in this chapter:  
38 a. Murder in the first degree in violation of  
39 section 707.2.  
40 b. Murder in the second degree in violation of  
41 section 707.3.  
42 c. Voluntary manslaughter in violation of section  
43 707.4.  
44 d. Involuntary manslaughter in violation of section  
45 707.5.  
46 e. Attempt to commit murder in violation of section  
47 707.11.  
48 f. Harassment in violation of section 708.7,  
49 subsection 1, 2, or 3.  
50 g. Stalking in violation of section 708.11,

1 subsection 3, paragraph "b", subparagraph (3).  
2 h. Any other indictable offense in violation of  
3 chapter 708 if the offense was committed against a  
4 minor or otherwise involves a minor.  
5 ~~h.~~ i. Kidnapping in the first degree in violation  
6 of section 710.2.  
7 ~~i.~~ j. Kidnapping in the second degree in violation  
8 of section 710.3.  
9 ~~j.~~ k. Kidnapping in the third degree in violation  
10 of section 710.4.  
11 ~~k.~~ l. Child stealing in violation of section  
12 710.5.  
13 ~~l.~~ m. Purchase or sale or attempted purchase or  
14 sale of an individual in violation of section 710.11.  
15 ~~m.~~ n. Burglary in the first degree in violation  
16 of section 713.3, subsection 1, paragraph "a", "b", or  
17 "c".  
18 ~~n.~~ o. Attempted burglary in the first degree in  
19 violation of section 713.4.  
20 ~~o.~~ p. Burglary in the second degree in violation  
21 of section 713.5.  
22 ~~p.~~ q. Attempted burglary in the second degree in  
23 violation of section 713.6.  
24 ~~q.~~ r. Burglary in the third degree in violation of  
25 section 713.6A.  
26 ~~r.~~ s. Attempted burglary in the third degree in  
27 violation of section 713.6B.  
28 t. Pimping in violation of section 725.2 if the  
29 offense was committed against a minor or otherwise  
30 involves a minor.  
31 u. Pandering in violation of section 725.3,  
32 subsection 2.  
33 v. Any indictable offense in violation of chapter  
34 726 if the offense was committed against a minor or  
35 otherwise involves a minor.  
36 2. a. If a The following persons shall be required  
37 to register as provided in this chapter if the  
38 department makes a determination that the offense was  
39 sexually motivated:  
40 (1) A person convicted of an offense in this state  
41 specified under subsection 1 prior to July 1, 2009.  
42 (2) A person is convicted of an offense in another  
43 jurisdiction, or convicted of an offense that was  
44 prosecuted in a federal, military, or foreign court,  
45 prior to, on, or after July 1, 2009, that is comparable  
46 to an offense specified in subsection 1, the person  
47 shall be required to register as provided in this  
48 chapter if the department makes a determination that  
49 the offense was sexually motivated.  
50 3. (3) If a A juvenile is convicted of an offense

1 in another jurisdiction, or convicted of an offense  
2 as a juvenile in a similar juvenile court proceeding  
3 in a federal, military, or foreign court, prior to,  
4 on, or after July 1, 2009, that is comparable to an  
5 offense specified in subsection 1, ~~the person shall be~~  
6 ~~required to register as provided in this chapter if the~~  
7 ~~department makes a determination that the offense was~~  
8 ~~sexually motivated.~~

9 b. A determination made pursuant to this subsection  
10 shall be issued in writing and shall include a summary  
11 of the information and evidence considered in making  
12 the determination that the offense was sexually  
13 motivated.

14 c. The determination made by the department shall  
15 be subject to judicial review in accordance with  
16 chapter 17A.

17 Sec. \_\_\_\_. **NEW SECTION. 708.14 Sexual motivation.**

18 A person convicted of any indictable offense under  
19 this chapter shall be required to register as a sex  
20 offender pursuant to the provisions of chapter 692A,  
21 if the offense was committed against a minor and the  
22 fact finder makes a determination that the offense was  
23 sexually motivated pursuant to section 692A.126.>

24 7. Page 3, after line 33 by inserting:

25 <Sec. \_\_\_\_. **NEW SECTION. 726.10 Sexual motivation.**

26 A person convicted of any indictable offense under  
27 this subchapter shall be required to register as a sex  
28 offender pursuant to the provisions of chapter 692A,  
29 if the offense was committed against a minor and the  
30 fact finder makes a determination that the offense was  
31 sexually motivated pursuant to section 692A.126.>

8. By renumbering as necessary.

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